

# **EXHIBIT I**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE**

NATIONAL EDUCATIONAL  
ASSOCIATION, et al.,

*Plaintiffs,*

v.

UNITED STATES DEPARTMENT OF  
EDUCATION, et al.,

*Defendants.*

Case No. 1:25-cv-00091-LM

**DECLARATION OF MEMBER A**

I, [REDACTED], pursuant to 28 U.S.C. § 1746, depose and say as follows:

1. I am NEA Member A as identified in the Complaint.
2. I am a high school English teacher at [REDACTED] High School in [REDACTED], New Hampshire. I teach Advanced Placement (“AP”) English Literature and Composition (“AP English”), Honors Senior English, and Grade 9 English. I have been teaching for 24 years.
3. I am a member of NEA-NH and the [REDACTED] Education Association.
4. I am offering this Declaration in my individual capacity and not on behalf of the District that employs me.
5. I have been directly impacted and harmed by the Dear Colleague Letter, the subsequent FAQs, and the “End DEI” complaint portal (together, the “Letter”), as I have experienced and will continue to experience significant chill and confusion regarding my teaching practices for fear that it might violate the Letter’s prohibitions.
6. In particular, I fear that my teaching will be considered discrimination because of the ways my courses explore themes and permit discussion of “systemic and structural racism,” “discriminatory policies and practices,” or gender roles—concepts which are explicitly or potentially implicated by the Letter’s prohibitions, including in the Letter’s prohibitions on “diversity,” “equity,” and “inclusion,” and on teaching “that certain racial groups bear unique moral burdens that others do not.” I fear that I may be subjected to complaints, investigation, discipline, or adverse employment action as a result of my teaching.

7. [REDACTED]

[REDACTED]. The district court declared that the Banned Concepts Act was unconstitutional,<sup>2</sup> but I am now facing similar apprehensions in response to the Dear Colleague Letter.

8. I am particularly concerned with the Department of Education's invocation of Moms for Liberty in the press release of the "End DEI" complaint portal, as Moms for Liberty is the group that offered a bounty in New Hampshire for complaints against teachers when the Banned Concepts Act was in effect. It is clear that a witch hunt against teachers is ensuing. If such a complaint were lodged, even if meritless, my reputation would be harmed by the allegations themselves.

9. As an AP English teacher, my course is designed to prepare students for college level courses and also the AP Exam, which focuses on reading, analyzing, and writing about imaginative literature, poetry, and drama. As they read, students consider a work's structure, style, and themes, as well as its use of figurative language, including imagery and symbolism. Writing assignments include expository, analytical, and argumentative essays that require students to analyze and interpret literary works.

10. AP English teachers select literary works that require students to read and evaluate complex text by identifying, analyzing, and applying those aforementioned literary devices, as well as a plethora of other literary elements. The AP exam does not require students to have read any specific texts, but certain literary texts are often present on the exam.

**Implications on my ability to teach literature involving themes  
of race, racism, or racial stereotypes**

11. In recent years I have assigned Joseph Conrad's *Heart of Darkness*. This is a well-known literary work which often shows up on the AP exam. It has been equally criticized and celebrated for its depiction of race and 19th Century European imperialism. It remains a staple of AP and college English courses not only in the United States but across Europe.

12. *Heart of Darkness* may not feel particularly relevant to students in 2025. Students often say things along the lines of "This book is boring, what does it have to do with me?" So I typically

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<sup>2</sup> *Loc. 8027 v. Edelblut*, No. 21-CV-1077-PB, 2024 WL 2722254, at \*18 (D.N.H. May 28, 2024).

ask students to draw on things they have seen in the news, popular culture, or their own experiences and use these frameworks to inform their analysis of the text. I do this because the state certification standards require me to teach students how to talk about experiences (both their own and others), understand different cultures and experiences other than their own, and critically examine the information they receive in the media every day.<sup>3</sup> I also do this because this is what gets students to listen and become inspired and engaged—we’re competing against TikTok for student’s attention, and they are a lot less likely to engage in the curriculum if you do not make it relevant to their lives. However, in light of the “Dear Colleague Letter,” I am concerned about doing that now.

13. Along with *Heart of Darkness*, which is the anchor text featured in a unit on imperialism, I also teach the 1899 poem by Rudyard Kipling entitled “The White Man’s Burden.” This poem reflects and reinforces 19<sup>th</sup> Century notions of imperialism, specifically as it pertains to a racial hierarchy—with the Caucasian race firmly seated atop the hierarchy, and therefore promotes and expresses a White supremacist ideology. As such, the poem is a reflection of a virulent strain of racist ideology, not only alive at the time in which Conrad’s novella was first published, but also arguably manifest in the culture in which students are reading the text.

14. Further, a technique I might have incorporated in the past during the *Heart of Darkness* unit, and with respect to “The White Man’s Burden” as well, is to ask students to identify and analyze contemporary forms of imperialism, colonialism, and/or racism. However, in light of the Dear Colleague Letter, I am no longer comfortable asking students to freely identify instances of racism or colonialism, or the movements opposing those ideologies, in contemporary society for fear that it will be perceived that I am engaging in discrimination by permitting discussion about racism or racial stereotypes in the United States.

15. Further, the FAQs specifically highlight the concept of “being oppressors in a racial hierarchy” as something that might create a “racially hostile environment,” a term that the FAQs only vaguely describe. FAQ at 6. While I certainly do not accuse anyone of any race of being

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<sup>3</sup> For example, under New Hampshire regulations for certification of educational personnel, Ed 507.24, English Language Arts Teachers for Grades 5-12 are required to:

- “Provide an environment in which students develop and support critical insights in response to literature”
- “Guide students to read, discuss, and write about literature through various critical lenses such as but not limited to gender, religion, ethnicity, or socio-economic conditions as appropriate”
- “Provide opportunities for students to practice different forms of classroom discourse, including formal and informal conversations and presentations”
- “Guide students to listen critically and speak purposefully and articulately”



oppressors in a racial hierarchy, discussion of *Heart of Darkness* and “The White Man’s Burden” necessarily requires discussion of the fact that European imperialism was in part based on the idea of racial hierarchy. I am now concerned that discussing this fact could result in me being accused of creating a racially hostile environment.

16. I have the same concerns with other classic books I assign. *Beloved* by Toni Morrison is a fictional account of an African American woman’s experience as an enslaved person and her life afterward. The theme of the book is how the destructive legacy of slavery impacts this character. *To Kill a Mockingbird* by Harper Lee explores themes of racial injustice, morality, and empathy through the eyes of a young girl, Scout Finch, in the segregated South during the 1930s as her father, Atticus Finch, a public defender, defends a Black man falsely accused of raping a white woman.

17. Prior to the Letter, a technique I would use while assigning *Beloved* would be to ask students to identify whether the legacy of slavery is evident in the modern world and if they could connect any of the characters’ stories to their own experiences or observations. When assigning *To Kill a Mockingbird*, I might ask students to research the case of Emmett Till and ask them why they think the suspects were acquitted, and how it might or might not be similar in this fashion to the case of Tom Robinson in *Mockingbird*.

18. Given the Letter’s restrictions, I feel less comfortable placing these books in a contemporary framework and asking students, for example, if they think the Black Lives Matter movement could be considered a result of the destructive legacy of slavery, or asking, “does the legacy of slavery continue and if so, how?” The Letter keeps me from engaging in that discussion because I know it could easily be misunderstood as me “indoctrinating” students to concepts of racism and racial stereotypes in a way that the Letter suggests constitutes illegal discrimination.

### **Implications on my ability to teach literature involving themes of gender roles**

19. During my tenure as a high school English teacher, I have regularly assigned classic and contemporary texts that explore the concept of gender such as in Jane Austen’s *Pride and Prejudice*, Margaret Atwood’s *Alias Grace*, and a myriad of other works by notable authors including, but certainly not limited to, Shakespeare, Shelley, Bronte, Salinger, and Vonnegut. For example, gender roles and gender discrimination are very common themes in these works. Again, to make these works relevant and engaging for students, I often ask them to juxtapose

contemporary issues in the media to the way that gender is portrayed in the novel. Indeed, these are all texts gleaned from the Western canon of literature and are regarded as, in the language of the AP, “works of great literary merit.” Subsequently, these works commonly appear on the AP Literature and Composition exam and, moreover, are staples of high school English classes wherein—contrary to any belief that students are being indoctrinated with specific political ideologies—critical and independent thinking is promoted and allowed to flourish. This critical thinking promotes the democratic principles enshrined in our Constitution, where our students are given the tools to become fully-informed participants of our society.

20. Because the Letter refers to “toxic[] indoctrinat[ion]” and DEI programs generally, which could be read to incorporate this administration’s idea of “gender ideology,” I fear that any discussion of gender discrimination and gender roles could result in me being accused of “indoctrinating” students in a way that the Letter suggests constitutes illegal discrimination.

**Implications on my ability to teach in a way that is responsive to students’ interests and individuality**

21. In my AP English course, I sometimes have assignments wherein students can identify a theme in a work we are studying and write an essay that stakes a claim and provides evidence to support that claim. Students have freedom to choose the theme they want to address in their essays, and students in the past have brought in themes of race or gender, particularly when those themes are central to their identity or life. The Letter appears to be aimed at eliminating conversations around race, diversity, or discrimination generally, so I fear that permitting students to write about these themes, even when they have chosen the theme themselves, could subject me to negative consequences.

22. This means my hands are tied. If I permit students to pursue an individualized education that is engaging and relevant to them, I risk complaints, discipline, or losing my job.

23. Further, the FAQs concerningly call out “social-emotional learning” and “culturally responsive” teaching as efforts that “veil discriminatory policies,” without providing any proof. FAQ at 5. Social-emotional learning is taught by my district and state as a best practice for teaching, and I incorporate it in my lessons. For example, I recently had students complete a group project on beauty standards where they created a collage and wrote a reflective piece as related to

the theme of healthy vs. unhealthy beauty standards. This practice falls under “social-emotional learning” but certainly does not mask any type of discriminatory policy. And yet I now will have to worry that incorporating a lesson of this nature could subject me to accusations of veiled discrimination.

**Fear of potential consequences,  
such as complaints, discipline, or adverse employment action**

24. Our students need to learn critical thinking skills such as taking in material, analyzing it, finding their own conclusions, and then formulating and defending an argument based on their conclusions. I don’t tell my students what to think, because that is not teaching. I hope they will formulate their own arguments and draw their own conclusions. I fear my students are losing valuable analytical training and will be ill-prepared at the college level if they cannot practice generating their own opinions on challenging works from our past and connecting them to their world today.

25. But in the wake of the Letter, my job is more challenging because I am concerned a complaint will be made to the Department of Education that I have attempted to indoctrinate my students to the notion that white people are inherently racist, men are inherently sexist, or “that certain racial groups bear unique moral burdens that others do not.” I do not believe this to be true in the least, but the Letter is written so that any contemporary investigation of race, gender, or any form of diversity, equity, and inclusion, invites a claim that my lessons amount to discrimination.

26. I have found that the Letter is particularly limiting because it invites any parent or student to file a complaint based on its broad and confusing prohibitions. Parents and students often misunderstand instruction techniques, such as using the Socratic method, playing devil’s advocate, or seemingly agreeing or disagreeing with a student in order to draw out analytical thinking. Because the Letter characterizes teaching about race, diversity, equity, and inclusion as discriminatory, it means a parent or anyone else could easily misunderstand a classroom exercise, or ignore the context of a particular statement, and file a complaint based on their perception of what I have said, or what students have said in class discussions based on the materials I teach. Since any new book I want to use would need to be approved by the [REDACTED], [REDACTED], comprised of teachers, administrator, and



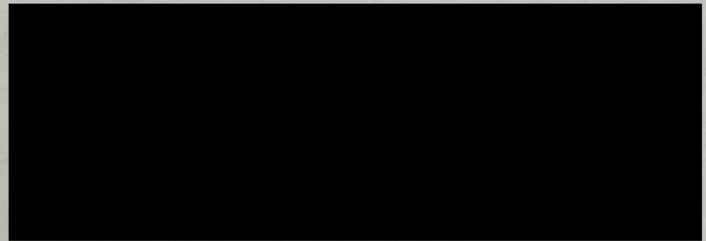
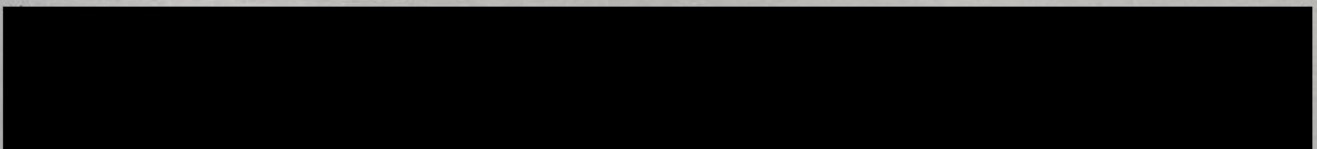
open to parents, citizens, and students,<sup>4</sup> my teaching is under particular scrutiny, subjecting me to heightened risk of complaints or discipline.

27. This also means it would be quite burdensome for me to revise my curriculum. To revise my curriculum, I would have to consult with the other English teachers at my school, seek approval for changes from the curriculum director at the school, and then also seek Committee approval. This is typically done over the summer prior to the school year starting. Doing so during the school year would be akin to fixing a plane while flying, which would take a toll on me as an instructor and also the students because I could not be the best instructor possible if forced to modify my curriculum on short notice. Students preparing for the AP Exam would be most affected, as it would be difficult to modify the curriculum quickly enough to cover all the necessary components that the AP Exam tests.

28. I wish to have personally identifiable information concerning this declaration not made public. Given the climate we are currently in with educators constantly being under attack, I fear that, if my name were to become public in a lawsuit challenging the President's education policies, I could be harassed or experience unwarranted employment consequences.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 20 day of March, 2025.

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